



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

BILL NO. 030630

Introduced September 25, 2003

Councilmember Clarke

**Referred to the
Committee on Streets and Services**

AN ORDINANCE

Granting permission to Bliss Restaurant located at 220-224 South Broad Street, Philadelphia, PA 19107 to operate and maintain an open-air sidewalk cafe on the west footway of 220-224 South Broad Street, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Bliss Restaurant located at 220-224 South Broad Street, Philadelphia, PA 19107, to operate and maintain an open-air sidewalk cafe with five (5) tables approximately three (3) feet square with chairs, encroaching approximately six (6) feet on the west footway of Broad Street, leaving a minimum of ten (10) feet and eight (8) inches unobstructed footway for pedestrians. The five (5) tables that will accommodate ten (10) occupants will be on the Broad Street face of the building enclosed by railings.

The tables are located adjacent to Bliss Restaurant on the east side of the restaurant facing Broad Street. West of the west curb line of Broad Street.

SECTION 2. Before exercising any rights or privileges under this Ordinance, Bliss Restaurant must first obtain all required permits, licenses and approvals from all appropriate departments, boards, agencies or commissions. No such department, board, agency or commission shall be required to issue any such permit, license or approval solely because this Ordinance has been enacted, it being the express intent of this Ordinance not to supersede any other provision of law governing the issuance of such permits, licenses or approvals. In addition, Bliss Restaurant shall enter into an agreement (Agreement) with the appropriate City department(s), in a form satisfactory to the Law Department, which shall:

City of Philadelphia

BILL NO. 030630 continued

- (a) furnish the City with a bond with corporate surety in the amount required by the Streets Commissioner and in a form satisfactory to the Law Department to insure compliance with all of the terms and conditions of this Ordinance and the aforementioned agreement;
- (b) protect, indemnify and save harmless the City from all suits or claims for damages which may arise directly or indirectly as a result of the open-air sidewalk cafe;
- (c) comply with the provisions of The Philadelphia Code thereby securing all required permits, licenses and approvals from all appropriate departments, boards, agencies or commissions, as may be required;
- (d) agree in writing that when, at the determination of the City of Philadelphia, the open-air sidewalk cafe necessitates relocation and/or removal of any underground structure, either publicly or privately owned, Bliss Restaurant will absorb all costs and expenses for the performance of such work at no cost to the City;
- (e) insure that the five (5) tables for the open-air sidewalk cafe encroach on the west footway of Broad Street no more than the dimensions listed in Section 1, provided that the Streets Department, in its sole unreviewable discretion, may allow minor variations of the dimension limits of Section 1, within standard tolerances of current engineering practice;
- (f) carry public liability and property damage insurance co-naming the City of Philadelphia as an insured party in such amounts as shall be satisfactory to the Law Department;
- (g) remove the open-air sidewalk cafe within thirty (30) days upon service of lawful written notice from the Streets Department; and
- (h) submit documentation in a form acceptable to the Law Department from the owners of the property located at 220-224 Broad Street, Philadelphia, PA 19107, that they have no objection to Bliss Restaurant operating and maintaining an open-air sidewalk cafe on said property.

SECTION 3. The Law Department shall include in the Agreement such other terms and conditions, as shall be deemed necessary or appropriate in the interest of the City.

SECTION 4. The permission granted to Bliss Restaurant to maintain and operate an open-air sidewalk cafe on the west footway of Broad Street shall expire without any further action by the City of Philadelphia if Bliss Restaurant has not entered into the

City of Philadelphia

BILL NO. 030630 continued

Agreement and satisfied all requirements of the Agreement that are listed in Section 2 within one (1) year after this Ordinance becomes law.

SECTION 5. This Ordinance shall not become effective unless the sum of two hundred dollars (\$200.00) is paid into the City Treasury within sixty (60) days after this Ordinance becomes law.

City of Philadelphia

BILL NO. 030630 continued